

**Written Testimony of Roger Winter
Assistant Administrator
Bureau of Democracy, Conflict, and Humanitarian Assistance
United States Agency for International Development**

"Sudan: Peace Agreement Around the Corner?"

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Subcommittee on Africa
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Mr. Chairman, Committee Members, thank you for allowing me to come and share my thoughts and insights on Sudan with you. Congressional attention on Sudan will be critical in how the events of the next few years unfold. As you know, the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) have made significant progress in negotiating a North-South peace agreement, although they have not yet been able to bring it to a successful conclusion. The U.S. Agency for International Development (USAID) is poised to assist the Sudanese in their economic recovery and prevention of future conflict once an agreement is reached. However, it is also critical to point out the concerns we have, particularly with humanitarian access, one of the three pillars of U.S. foreign policy in Sudan.

I. HUMANITARIAN ACCESS AND CHALLENGES

From 1989, the year Operation Lifeline Sudan (OLS) began, to January 2003, the international community wrestled with the Government of Sudan (GOS) for denying humanitarian assistance to war and famine affected populations in southern Sudan. This lack of access exacerbated the suffering of the people of South Sudan, and many died when relief failed to reach them. Since the GOS and the Sudan People's Liberation Movement/Army (SPLM/A) signed a Memorandum of Understanding (MOU) on October 15, 2002, agreeing to a cessation of hostilities and unhindered access to all of southern Sudan during the peace negotiations, humanitarian access to southern Sudan has improved dramatically. Further progress was made in January 2003, when the GOS agreed to a process of notification for humanitarian relief flights, rather than requiring the UN to seek permission each month. Most recently, the cessation of hostilities and humanitarian access agreement was extended until the end of March 2004.

As a result of these changes, there is a new measure of stability in some areas of southern Sudan where access was previously denied. More families are able to meet their own food needs, begin agricultural activities, send their children to school, and plan for the future. In areas where bombs once fell on civilian targets, people still take note of the airplanes overhead, but now it is with a sense of curiosity rather than fear. These are some of the changes that have come with a cessation of hostilities and unhindered access. For the short-term, this new access, along with the anticipated return of several million internally displaced persons (IDPs) from areas in the North as well as hundreds of thousands of refugees from neighboring countries, will increase the need for humanitarian assistance in the South in the short term, but if southern Sudan continues down the path of peace and stability, within a few years the need for our humanitarian funding will significantly decrease.

a. Denial of Humanitarian Access in Darfur

Unfortunately, we cannot give a similarly positive report for the humanitarian situation in western Sudan. The war in Darfur is arguably the most serious humanitarian crisis on the African continent right now. The Government of Sudan has mounted nothing less than a scorched earth strategy to crush armed insurgents representing nascent opposition movements called the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM). The movements themselves were born out of frustration with the marginalization of the Darfur region by the Khartoum government. The SLA and JEM have scored a number of successful attacks against government forces.

But rather than negotiating with these forces, the Government has chosen to respond with brutal force against the civilian population, even when there is no evidence of contact with opposition groups. While we understand the right of a sovereign government to counter an insurgency within its borders, the manner in which the GOS has responded in this case has been disproportional, brutal, and disregards protections against civilians, indeed it has targeted them.

The Government is using aerial bombardment to terrorize civilians who they say are harboring rebels and has armed and unleashed a militia called the janjaweed whose "modus operandi" is to rape, loot and burn villages with total impunity. The UN estimates there are over 700,000 displaced out of a population of six million and some three million affected by the fighting. The Government labels both the rebels and the janjaweed as criminals and outlaws. The GOS has publicly denounced the janjaweed, yet, it only takes enforcement actions against the rebels. By design, the janjaweed is, therefore, left to continue attacking African civilians. The GOS claims that it does not have control of these militias. We believe that they do. Regardless, the Government is accountable for the actions of these militias and, as the responsible party, must take much stronger measures to stop them. Without a strong hand by the Government to reign in the janjaweed, the atrocities against civilians will continue.

Mr. Chairman, the extent of the violence and terror being inflicted on the population is frightening. I led a delegation to the area in February and as we flew from West to North Darfur saw some 14 villages burning. Humanitarian workers have witnessed the looting and burning of villages by the janjaweed militia and have seen that the government police and military forces in the area do nothing to stop the violence. We have heard consistent and highly disturbing accounts of rape, including an gang rape of the students at a girls school in a town called Tawila in North Darfur - and then followed by a local official's denial of medical assistance to the rape victims.

The Government of Sudan has obstructed access to the conflict areas by humanitarian workers for many months. Since February 13 access to the capital cities for the three states of Darfur has been permitted for most organizations but humanitarian workers must still obtain permits for each visit outside these capitals. Delays in issuing permits are a well-honed technique that limits international presence; I believe this is a deliberate strategy of the GOS. One well-reputed humanitarian organization is having to close its presence in Sudan as it has been unable to get permits to travel to Darfur. The International Committee of the Red Cross, which should be present in such a conflict, is unable to gain agreement from the GOS on basic operating principles for their work.

Mr. Chairman, we are seeing a very disturbing trend in the humanitarian response. Populations we are reaching who are in urgent need of humanitarian assistance, whether food or non-food items, are pleading with the UN and NGOs NOT to provide assistance as it is only looted by the janjaweed militia immediately afterwards. Requests by the humanitarian community that the GOS provide security at least at the IDP sites (let alone rein in the janjaweed operations) have not yielded positive results. In fact there is evidence that the GOS military and security forces have also victimized the populations in Darfur. Thus we are facing a traumatic situation - one where the victims of the conflict are enduring their suffering because to receive relief would further risk their lives.

We are disturbed that despite these reports from the field, the Government of Sudan has declared military victory in Darfur, asserted that all routes are open for humanitarian assistance and that refugees and IDPs can return to their home areas. This premature and misleading declaration provided to the international community seriously endangers those humanitarians who are risking their own security to try to organize relief operations in Darfur and shows blatant disregard for the protection and concern that the GOS as a government should extend to all its people. Sudanese who are informed about the Darfur crisis fear to speak out because of the threat of arrest. At present several individuals are jailed for reporting on the crisis, and several individuals who spoke with my delegation were subsequently detained by security forces. In recent days, internally displaced people from Darfur have begun arriving in the capital of Khartoum seeking safety. Even those who have mobilized assistance to help them have been threatened by GOS officials and told not to report the "untrue" stories they hear from the displaced. The point is, this conflict is not just an internal disturbance, or local tribal conflict over land and water to be contained by a stern Khartoum government, as it is billed locally. Why would a government respond to insurgent activity with such force to depopulate an entire region, when dialogue not violence could have yielded more positive results? The results of the decisions made by the GOS have resulted in a major humanitarian emergency and large-scale human rights abuses, with severe ramifications for Sudan and the immediate region.

Mr. Chairman, the humanitarian crisis in Darfur cannot be ignored. The sheer scale of the displacement that is occurring is rendering the entire area at risk of severe food shortages and famine. If farmers are not back safely on their land by April for this year's planting, the world community will be facing a human crisis of vast proportions for at least the next year. The trauma suffered by the population including the separation of families will take a long time to heal.

The parties must agree to a cease-fire now so that critical humanitarian assistance can be delivered to save lives and avoid a humanitarian catastrophe of even greater proportions as we go into the traditional "hunger gap" period. USAID has been leading a USG effort to bring the Government of Sudan and opposition parties together to negotiate such a humanitarian ceasefire. We are hoping that all sides will agree to meet soon. Beyond the cease-fire we believe the longer-term solution is in dialogue, not violence and we will continue to pass this message to all parties in the conflict.

b. Other Obstacles to Humanitarian Assistance Due to Insecurity

In prior years, attacks on humanitarian distribution centers were one of the worst atrocities in southern Sudan. The cessation of hostilities has put a stop to nearly all such attacks and humanitarian relief has proceeded almost unhindered, until February 27, just a few weeks ago. In Nimnim, Western Upper Nile, eight UN and NGO staff came under rifle, machine-gun, rocket-propelled grenade and mortar fire from militia likely-aligned with the GOS. Aid activities in the area were suspended, affecting 30,000 people, according to the UN. This incident, while seemingly isolated, highlights the volatility of the transitional zone as militias formerly aligned with the GOS and the SPLA realign their interests. Shifting alliances in the lead up to a permanent ceasefire are likely to increase insecurity, hampering humanitarian operations in these areas as a result. It is incumbent upon both parties to ensure militias aligned with their respective armed forces do not jeopardize the delivery of humanitarian assistance.

The remaining insecurity in southern Sudan can largely be attributed to the Lord's Resistance Army (LRA) from Uganda, operating in Eastern Equatoria. Their ongoing presence in Sudan limits the delivery of humanitarian assistance and the ability to move freely. We are particularly concerned that LRA activities will continue to cause instability in southern Sudan after a peace agreement is signed if its presence is not removed. Additionally, we are gravely concerned by the humanitarian tragedy resulting from LRA attacks in northern Uganda and are working with all parties concerned to seek a solution to this situation that ends the suffering of civilians in both northern Uganda and southern Sudan at the hands of the LRA. It should be noted that the SPLA is reportedly engaged in serious military confrontation with the LRA.

c. Procedural Obstacles to Humanitarian Access

It is important to highlight the importance of "moving back and forth across the line," especially in the transition zones. For decades, civilians and humanitarian agencies have not been able to cross from GOS-held territory to SPLM-held territory. Those who crossed this line were considered to be suspicious or affiliated with the other side, and were often subject to arrest. In an environment of peace, we consider freedom of movement critical to the delivery of humanitarian access. As such, when free movement is hampered, this severely impedes humanitarian logistics.

Humanitarian access in Abyei, one of the three disputed areas in the peace negotiations (and part of the transitional zone between northern and southern Sudan) is frequently impeded. A recent assessment there found, on the positive side, that there has been free movement of civilians back and forth across the Kiir River between GOS and SPLM zones. Non-governmental organizations (NGOs), however, have not been able to access the checkpoints at the Kiir River. As well, GOS security agents continually monitor conversations between the NGOs and their beneficiaries, which obstruct transparent communication. Overall, we are very concerned that the restriction on freedom of movement will hamper the return of internally displaced persons (IDPs) to Abyei after a peace agreement.

During my own delegation's visit to Abyei last month, I was deeply troubled by the tense atmosphere between the Ngok Dinka and Misseriya communities. To avoid having these tensions boil over into violence, we must ensure a positive outcome of the political discussions on the fate of Abyei taking place in Naivasha. Acting Assistant Secretary Snyder has already spoken to the significance of this issue for bringing the peace talks to closure; the stakes on the ground could not be any higher.

On the Eastern Front, near the border with Eritrea, the UN submitted a proposal in January 2003 to both the SPLM/A and the GOS for a cross-border needs assessment to be followed by a cross-line relief operation serving war-affected groups in the Hamesh Khorib area. However, neither the GOS nor the SPLM/A have agreed to specifics. Currently, minimal aid is reaching the area, but without a sustained cross-line, cross-border program, populations will remain highly vulnerable. Samaritan's Purse conducted a nutritional survey of children within the opposition-controlled area of the Eastern Front in October, 2003, which revealed alarming rates of malnutrition. This survey, conducted in partnership with the Center of International Emergency, Disaster, and Refugee Studies of the Johns Hopkins University found that 27.4% of children sampled were severely or moderately malnourished. This rate is

among the highest rates of malnutrition in Sudan. We urgently need free access to this area to further verify these rates and respond appropriately.

In the conflict area of Southern Blue Nile, unlike in southern Sudan, the Government has required the UN to ask its permission, rather than simply notify the GOS of its intentions to deliver assistance. Since the signing of the MOU on cessation of hostilities, this process has gone more or less smoothly, up until last month. The GOS has significantly delayed UN flights to the area and since mid-February 2004, has completely denied the UN flight clearances for Southern Blue Nile. As a result, WFP has not been able to deliver food aid to the area for more than one month, and a UNICEF flight carrying a USAID-funded drilling rig for a hospital was denied access into Southern Blue Nile. As of right now, there is no formal resolution to this problem, although the United Nations has submitted all the required paperwork. We are dismayed by this reversal of access by the GOS for Southern Blue Nile and are seeking a speedy resolution to restore access to this area.

Finally, I must inform you that as of March 7, 2004, USAID has ceased all further food aid shipments to Port Sudan due to the GOS' insistence that US commodities be certified free of genetically modified organisms ("GMO"). When this issue first arose in May, 2003, we informed the GOS that the United States does not provide such certifications. We did, however, send a team of scientists to Khartoum to explain the extensive regulatory standards that all food commodities in the United States must meet, whether for domestic or foreign consumption, and to discuss the Government's health and scientific concerns. The United States is the major donor of food aid to Sudan, providing some 70% of the World Food Program's total pipeline for the country. The majority of US-donated food aid enters the country through Port Sudan, including 40% of all food aid intended for southern Sudan.

In October, 2003, the Government of Sudan issued an extension of the waiver on their earlier decree requiring certification that food aid brought into Sudan be free from bio-engineering, thus enabling USAID to continue food aid shipments to the country. This extension comes to a close on July 8, 2004, but because the normal time for U.S. Title II humanitarian food assistance to be procured and transported to Sudan is four months, we are now past the point at which we can be sure that US commodities arriving in Port Sudan will be allowed to clear customs and move swiftly to the populations in need. USAID policy since the GOS issuance of this policy has been to continue shipment of humanitarian food assistance as long as food aid would arrive and clear customs for distribution to beneficiaries prior to the deadline date on this extension. The US is prepared to make additional food commitments to the humanitarian crises in Sudan, but we cannot do so as long as this issue is outstanding. We are informed by the United Nations that food stocks for relief operations will be exhausted by April/May of this year. Mr. Chairman, the potential humanitarian consequences of this pipeline break for the needy in Sudan cannot be over emphasized.

II. LOOKING TOWARD PEACE

a. Ongoing Program

USAID's 3-year strategic plan for assistance to Sudan was designed to promote a flexible approach, depending on the outcome of the peace negotiations - stalemate, deterioration, or peace. USAID's approved program of \$220 million in FY 2004 was planned for the "stalemate" scenario of no peace and no war, and increases resources for Sudan by approximately \$40 million over FY 2003. The Administration's request for FY 2005 includes \$336 million for Sudan, and assumes the comprehensive peace settlement will be concluded. USAID has planned a package of special programs in FY 2005. This program will underpin the peace agreement through support for five key program elements - "quick start" programs; demobilization, disarmament and reintegration; democratic governance, and infrastructure. It will also meet humanitarian needs which will dramatically increase in the short term as access is gained to regions in the South long isolated by conflict.

We have identified five priority areas for the "stalemate" scenario: Expanded support to the Sudan peace process; more responsive and participatory government; improved equitable access to quality education; increased use of health, water and sanitation services and practices; and a foundation established for economic recovery.

i. Expanded Support to the Sudan Peace Process

USAID will promote peace building initiatives that foster consensus on resource management in conflict-prone and transition areas in southern Sudan. The purpose of these programs is to demonstrate tangible benefits of participation in the peace process. USAID programs will benefit people returning to their homes, including internally displaced persons (IDPs), ex-combatants, former abductees, and will coordinate with the State Department's Bureau for Population, Refugees and Migration on assistance to returning refugees. Using emergency sources of funding, USAID will provide short-term assistance to returnees with transportation, shelter, and kits with basic household

utensils and supplies, as well as support their engagement in employment and small income generation, using development funds.

It is also vitally important that grassroots and political level peace processes be supported visibly and firmly by the United States. Therefore this objective will prepare the ground for quick impact projects to demonstrate tangible benefits in southern and transition zone communities of participation in the peace process. These programs will jumpstart activities so that they are available immediately after a peace agreement is reached. Confidence building efforts will focus on generating trust among communities in formerly contested areas.

ii. More Responsive and Participatory Governance

In the coming years, it will be critical to support both Parties to the negotiations with good governance activities, so as to prevent further conflict in Sudan. USAID will provide technical assistance including anti-corruption activities, training, equipment, supplies and other commodities for local authorities in the South. As well, USAID will strengthen civil society institutions, networks and professional associations through consultations with southern peace agreement signatories on governance frameworks, training and technical assistance to judges and court administration, independent media and information dissemination. In particular, USAID will focus on civic education seminars and radio spots about issues and outcomes of the peace process. Improved democratic governance and respect for human rights will be promoted by establishing a civil society network capable of advocating for legal protection of civil liberties, as well as strengthening other civil society networks.

iii. Improved Equitable Access to Quality Education

Anyone who has traveled to Sudan has heard Sudanese say that their number one priority is education. More than two generations have been without it in southern Sudan. USAID's program will emphasize regional teacher training institutes, professional development for teachers, and teaching materials for teacher education, non-formal education, and education management training. Our programs will also focus on school rehabilitation and encouraging women and girls to enroll in primary, secondary and adult education programs. Programs like this are absolutely vital to the development and stability of southern Sudan.

iv. Increased Use of Health, Water and Sanitation Services and Practices

USAID's primary health care and water/sanitation program emphasizes improving the capacities of southern Sudanese to manage and deliver their own requirements for health care, especially among women. At the same time, the program provides funding for critically -needed essential medicines, training, physical rehabilitation of training institutes and communication and logistical support. USAID's program also seeks to help transform the health system in southern Sudan to reduce dependency on the international community and to introduce strategies to increase HIV/AIDS awareness, prevention and care activities.

v. Foundation Established for Economic Recovery

USAID's new programs in economic growth represent a step beyond past objectives of USG food security programs. The country context has changed in the last three years, especially in southern Sudan, where the nascent recovery of markets, the four continuous years of surplus crop production in western Equatoria, the survival of producers' and marketers' associations and other institutions in the difficult wartime environment, and the growth of a southern Sudanese capacity for research and policy analysis, have all given hope that a rapid recovery is achievable.

USAID's economic recovery program seeks to establish the foundation for market-based economic recovery in southern Sudan. It will promote the delivery of market support services (credit, business skills, improved agricultural practices, export promotion, market information, and road rehabilitation) to entrepreneurs and the market support institutions that deliver those services (including a microfinance institution, agribusiness training centers, business associations, a statistical analysis center, and local road maintenance departments). USAID will also support improved economic policies in southern Sudan through technical and logistical assistance. At the same time, USAID will continue humanitarian assistance to those communities who are most vulnerable to disaster and conflict, including food aid, seeds and tools, and training.

b. Peace Dividend

The peace process in Sudan has brought the GOS and the SPLM to the brink of an historic agreement to end the

long civil war in southern Sudan. Should the Parties sign an agreement, peace will be fragile, especially during the first year, because of Sudan's decades of war and lack of equitable access to resources. Peace will trigger a massive return of refugees and internally displaced people to their home areas, straining services and infrastructure that are woefully inadequate for existing populations.

Just as U.S. leadership since 2001 has reinvigorated the peace process and improved humanitarian access, U.S. leadership through an expanded assistance program will be required to ensure that peace endures in the South, and extends throughout the country. USAID is in a position of unique influence as Southern Sudanese confront the most fundamental issues in their transition from war and survival to peace, governance and development. Lasting peace in Sudan will be a great positive influence in the volatile Horn of Africa, a vast zone of conflict and terrorism.

When a peace agreement is achieved, Sudan, and in particular southern Sudan, will need increased support in a number of areas, including:

- "Quick-start" projects that will provide visible benefits to communities soon after an agreement is signed.
- Demobilization, disarmament and reintegration of formal armed forces, militias, and other armed groups into peacetime activities.
- Infrastructure development, particularly in the South, including transportation, water and sanitation, electrification, and communications.
- Expansion of basic services, in particular health and education.
- Support for the development of democratic institutions and processes.

USAID is planning how it can most effectively contribute to a "peace dividend" in these areas, and the increased funding requested in FY 2005 will help to fund new USAID activities. In the event of a peace agreement, the U.S. will work with other donors on a comprehensive peace dividend program of assistance to support the agreement.

In closing, Mr. Chairman, the United States is anxious to move forward with the rebuilding of the war-devastated areas of Sudan. Overwhelmingly, the Sudanese people, North, South, East, and West are desperate for peace and development. The time for an agreement on a just peace is now.